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September ___, 2006

Dear _____,

I am writing this letter to Jeffrey's close friends as one of his close friends, not as a lawyer. In fact, Jeffrey has not approved the contents of this letter, though he is aware that I am writing it.

The press has had a field day with the highly fictionalized story of a billionaire who has taken advantage of young girls. I'm also sure that you didn't recognize the Jeffrey we all know from the caricature the media has drawn of "the billionaire recluse" who does nothing but get massages and fly around the world with the rich and famous.

I have had a unique role in this saga as I have been an eye-witness and a participant in many of the discussions about which you have read. First let me answer the paramount question that is on your mind. NO, there was never any underage sex. Absolutely none. Indeed, Jeffrey

volunteered for and passed a grueling lie detector test on this very issue.

The facts are these: The parent that made the initial claim turned out to be a convicted felon (serving 21 months in federal prison for past money fraud); his daughter, the subject of the suspicious claim, actually wrote to her friends that she would make 250k this year. She told the police that Jeffrey had only one contact with her – never even having seen her before he entered his own darkened massage room – and that she had lied to both Jeffrey and Sarah about her age and schooling. Though stated clearly in the report, these facts have been conveniently ignored by the press. (Keep in mind that Florida bars and movie theatres are common victims of girls and boys with fake IDs.)

I'm of course sensitive to the fact that even attempting to disprove false and financially motivated sex charges by an admitted liar leaves one open to condemnation. And, in fact, sex claims themselves are so highly charged that to some, even innocence is no longer a valid defense.

And so Jeffrey find himself in the position of being falsely accused by the media of crimes he did not commit – and crimes a grand jury determined there was not even probably cause to charge. Yet he cannot respond to these charges, because the case is still an open one.

In addition, as you've probably gleaned from the articles, he also finds himself in the middle of a highly unusual battle between a police chief and the state prosecutor. This situation is not something that I have witnessed in all my years of practicing and teaching law.

Again, some background: with respect to criminal investigations there is no question that the proper role of the police is to investigate the facts. The prosecutor must evaluate those facts and consider them against the background of the prosecuting office's policies and precedents. Further, they consider information uncovered by *their own* investigators and the defense, and then exercise discretion in making the ultimate decision as to whether to file charges or turn the decision over to a grand jury. (This prosecutorial decision is particularly important

in cases where the defense has conducted its own extensive investigation and turned *everything* over to the prosecutor, as we did in this case.)

In this case the prosecutor decided that he could not himself credit the testimony of the key witnesses, who had long records of lying, theft, drug addiction, etc. Accordingly, he decided to subpoena the witnesses to see whether they would repeat their allegations under oath in the solemn context of a grand jury (rather than in often suggestive conversations with the police), and if so, whether the grand jury would believe them. After hearing the witnesses that were willing to testify, and knowing that the women who made the most outrageous charges failed to show up to testify under oath, the grand jury decided to charge a no more serious offense than the solicitation of prostitution. When the grand jury made this decision, it did not even know that Jeffrey had passed the lie detector test and that his accusers would not submit themselves to such a test.

I recognize that there have been public claims made that Jeffrey received preferential treatment. But believe me, I was there, in face-to-face meetings with the prosecutors – and the last characterization that I would use to describe the way he was treated would be "preferential." These were difficult and contentious negotiations, and when the grand jury ultimately charged him with soliciting prostitutes, we strongly disagreed with its decision, believing that there should be no charge whatsoever.

Another commonly reported claim was that I showed the prosecutors only MySpace.com accounts of the girls allegedly using drugs and alcohol. What they refused to print was that I had presented to the prosecutors irrefutable documentary evidence that their fabrications could not have happened as described. I proved that the girl had misrepresented to the police that on a certain date she was sixteen, when we proved by documentary evidence that she was eighteen.

We all know Jeffrey is extremely smart, and in fact a little "complex." However, he is not self-destructive. He would not knowingly break the law. That's why he specifically insisted that all the masseuses be over eighteen years-old (as attested to by several of the masseuses themselves). Unfortunately it seems that the appealing target of a good looking, wealthy bachelor is too easy for some to pass up. My wife a committed proponent of women's rights, immediately summed it up when she said, "Something is clearly not right with this story." Even though the grand jury, also determined that the "story" was not right, the Palm Beach police chief apparently believed otherwise. It appears he became frustrated during his thirteen month investigation, as more and more evidence was being uncovered, that his case was clearly becoming weaker and weaker – to the point that it collapsed of its own weight.

In July, as previously stated, both the grand jury, comprised of twenty-one randomly chosen citizens, and the state prosecutor, along with the State Attorney's Sex Crimes Chief, separately determined that there was

insufficient evidence to support more than a single charge of solicitation of prostitution. (Again, to be clear, Jeffrey was only charged with one count of solicitation of prostitutes, not underage sex.) Jeffrey has pleaded not guilty to that charge.

What then transpired, as amazing as it might sound, was that the chief defiantly refused to accept the grand jury's determination. Pursuing his own personal agenda, he improperly released to the public what a former secret service agent termed "the raw sewage of his investigation." This "sewage" consists of *only* statements—including blatant lies—that the police believe pointed to guilt, and it excluded (suppressed) *all* the hard evidence that proved Jeffrey was innocent and that his accusers had lied. The type of "raw sewage" selectively disclosed by the police is not even turned over to the Senate by the FBI when the Senate is performing its constitutional function of confirming presidential nominees, because it is considered too unreliable by professional law enforcement. Yet the police, in what we believe to be an illegal and unethical act,

disclosed this sewage to the press in an improper effort to embarrass Jeffrey.

These one-sided “reports” are what has been released on the internet. They contain only the false allegations, without the accompanying rebuttals or counter-evidence. This clearly unfair act, however, seems to have accomplished the chief's thinly disguised purpose to simply embarrass Jeffrey while at the same time purposefully denying the public access to all the exculpatory evidence. (With respect the embarrassment, I think he accomplished his goal to some degree, as I know this has been a trying time for Jeffrey. As you are all aware, Jeffrey valued his anonymity highly, until he was “outted” by his trip with our former President to help control the AIDS epidemic in Africa.)

This improper act of the police chief was in keeping with his previous behavior. Only weeks before, he had been so determined not to hear Jeffrey’s exculpatory evidence that he categorically refused to attend a scheduled meeting convened at the state prosecutors request for the stated purpose of personally reviewing

exculpatory evidence. (Again, I have never seen this type of behavior before.)

In contrast, the grand jury and the prosecutor do not have the option to bury their collective heads in the sand. They are both required by law to carefully consider both sides of the story. The prosecutor acts as legal and ethical "gatekeeper"; and the grand jury is a check against potentially overzealous law enforcement. To the Chief's obvious dismay, each institution, in its own separate capacity, considered the totality of the evidence decided on only a single charge of solicitation. In making its decision, I'm certain that the prosecutors—the elected state attorney and the career sex prosecutor – recognized the significance of the fact that Mr. Epstein passed an extensive lie detector test, given by one the State's most renowned and toughest practitioners, who is often used by this very States Attorney's office in similar cases.

Until reading this letter almost none of you have had the opportunity to even hear that side. The only "reports" that you have seen were comprised of a detective's carefully constructed narrative, edited questions and

answers, and amplified allegations that were clearly outrageous and false. These same reports were also reviewed by the prosecutor and grand jury, but they also had the opportunity to examine third-party hard documentary evidence, including pertinent federal criminal records, prior misrepresentations of age and other clearly dated evidence showing proof of actual versus fabricated age, law enforcement reports, and taped confessions and e-mails. Such exculpatory evidence, which destroys the neat narrative that sells newspapers, never made it into the media.

Here are just a few examples of what was deliberately withheld from public release:

1. The missing piece of a “broken device,” salaciously described in the report as a sex toy, found during the sifting of Jeffrey's garbage and then officially referred to in the report (pg 26) as “commonly used for vaginal or anal stimulation,” was the only, single, corroborative, item found during a thorough and warrant-directed search of Jeffrey’s house. This highly-relevant purported “device” turned out

to be nothing more than an ordinary plastic salad spoon. (You couldn't make that up!).

The police knew of their misleading representation long ago, but improperly chose not to amend their report before, or even after, its release.

2. The same video cameras that the police excitedly point to in their report were actually set up with the help of their very own SWAT team, in order to apprehend an armed burglar whom they deemed potentially dangerous. The burglar was eventually caught. (Because the videos produced were of poor quality, Jeffrey, in recognition of the professional work done, generously donated $36,000 to enable the police department to purchase advanced digital video enhancement equipment. The video cameras were not in the massage room. I wish they were, because they would prove conclusively that the major witnesses lies.) The police fail to disclose in the report their familiarity with one of their witnesses. It was Jeffrey's former houseman of eleven year – and the burglar, who was caught and fired for stealing from Jeffrey!

3. The police decided not to include the fact that the woman fabricating virtually all the serious allegations, when required to repeat those same fabrications under oath and penalty of perjury, refused to do so.

4. This same witness described a sexual incident she claimed took place when she was under eighteen, but hard documentary evidence proved that she was over eighteen and that the encounter, as she described it, could not have taken place.

5. In addition, the police withheld from the public release, and in fact from the states prosecutors themselves (I know this, because I, in fact, was the one who brought it to their attention), that this very same witness had been arrested for drug possession during the relevant time in question, in Palm Beach, only blocks from the police station. Only shortly thereafter she was terminated from her job for grand theft. Her taped confession, and her employer's statement that she was virtually incapable of

telling the truth, were facts carefully considered by the prosecutor and grand jury in their decision to charge only one count of solicitation.

This effort by the police chief to embarrass Jeffrey by selectively disclosing the “sewage” while suppressing the truth has been monumentally unfair to Jeffrey and hurtful to some of the people close to him, not to mention the fact that it has been professionally disturbing to me as a teacher of legal ethics. I know that you wish him well, and I'm sure that as this too will pass, we can all help him bring this difficult time to a forgiving close.

When the full story finally comes out, the world will learn what we already know – that Jeffrey is a good person who does many good things, and that he would never do what the police chief and some in the media have falsely accused him of doing. When the truth finally emerges, the important question that will be asked is: why has so much law enforcement energy and so many resources been devoted to a case in which no one was hurt, no one was

asked to do anything they didn't want to do, and no one had any sex with any underage person?

If you have any questions, I will be happy to try to answer them.

Cordially,

Alan Dershowitz